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Citizenship, Ethnicity, and Territory: the Politics of Selecting by Origin in Post- Communist Southeast Europe

Marko Žilović

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University of Edinburgh, School of Law
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(CITSEE)

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Citizenship, Ethnicity, and Territory: the Politics of Selecting by Origin in Post-Communist Southeast Europe¹

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Abstract

This paper seeks to conceptualise, map, and make a step toward more comprehensively explaining variations in preferential naturalisation regimes in post-communist Southeast Europe. In doing so it makes three interrelated contributions to the field of citizenship studies. First, to conceptualise dependent variables more exactly I follow the recent trend of disaggregating the concept of citizenship by focusing on external selectivity regimes. I develop a typology of these regimes that combines dimensions of ethnicity and territoriality. Second, relying on the data and country reports produced in the first phase of the CITSEE and EUDO research projects I systematically map temporal and cross-case variations in external selectivity regimes of all 12 post-communist cases of Southeast Europe. Third, utilising advantages of this comparative view I build and demonstrate initial plausibility of a comprehensive explanatory model that builds on the existing research by delimiting scope conditions and relative causal weight of several existing explanations. I find that the politics of selecting by origin in post-communist Southeast Europe has been crucially shaped by differences (a) between old nation-states prone to act as external national homelands, newly emerging nationalizing states, and ethnically divided states; and (b) between the years of ‘thickened history’ in the early post-communist period and the later, politically calmer period after 2000.

Keywords:

Citizenship, external selectivity regimes, naturalisation, ethnic politics, emigration, kin-state, post-communism

1. Introduction

In this paper I start by analytically carving out the conceptual space of external selectivity regimes, and by developing a typology of these regimes. Using the developed typology, I systematically map temporal and cross-case variations in external selectivity regimes of 12 post-communist cases in the broad region of Southeast Europe. I show that in this period, the region experienced a trend towards ethnic post-territorial external selectivity. Under this regime of selectivity, those that

¹ A previous draft of this CITSEE working paper was presented at the ASN Annual Convention, at the Columbia University on 19 April 2012. I would like to thank the participants in the “Negotiating Minority Identities in Southern Europe” panel for their helpful comments, and to the Open Society Foundation for enabling me to participate in this convention. I would also like to thank Jovan Teokarević for his reading of a previous draft.

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a state recognises as co-ethnics can become citizens without ever residing or intending to reside in that state. However, this regional drift has not encompassed all the countries, and even those that eventually got there, did so at different times, through different pathways, and as I will show, with different motives. Third, utilising advantages of this comparative view I begin to build a more comprehensive explanatory model that builds on the existing research by attempting to delimit scope conditions and the relative causal weight of several existing explanations.

Given that citizenship is “a notoriously polyvalent concept” (Joppke 2010: 1), it is important to clearly define the area in which I research. States pursue a variety of (sometimes conflicting) purposes and functions through their citizenship regulations. One of those purposes is to recognise and strengthen special ties (commonly, but not always, ethnic ties) through which certain groups are deemed connected to the state prior and independent of their legal citizenship status (Vink and Bauböck 2011: 16). To achieve this, states complement standard naturalisation procedures with provisions for facilitated naturalisation of these favoured outsiders. I am researching variation in how these provisions enhance the access of favoured groups to citizenship in post-communist Southeast Europe. To conceptualise my dependent variables more exactly I use the concept of external selectivity regimes, by which I mean the rules specifying which groups of applicants, and under what conditions, are by virtue of their collective ties favoured by a state for naturalisation, or for comparable citizenship-acquiring procedures. ‘External’ here refers to the dichotomy between citizens and non-citizens regardless of their ethnicity or their current place of residence. By speaking about ‘regimes’ of external selectivity I indicate that I am not remaining with the pure content analysis of laws and by-laws. I also take into account how states relate to prospective citizens through actual administrative practices that need to be interpreted in their political, historical and social context (Shaw and Štikš 2010: 6-8)

External selectivity through facilitated naturalisation is certainly not the only channel available to states that wish to reach out to the favoured outsiders. Vink and Bauböck (2011: 16-17), in their conceptual framework for disaggregating citizenship, rightly note that the rules governing transfer of citizenship by descent to children born abroad to citizen parent(s) (*ius sanguinis* abroad) are another important mode of recognising special ties to the favoured groups. Where citizenship is transferred through *ius sanguinis* abroad more easily, fewer potential applicants will need to go through facilitated naturalisation later in life. In this sense *ius sanguinis* abroad is a background condition influencing the overall share of cases in which facilitated naturalisation clauses are invoked. The cases in my region exhibit only limited variation in *ius sanguinis* abroad. They all automatically transfer citizenship to children born abroad to two citizen-parents, and they automatically or quasi-automatically transfer citizenship to children who only have one parent who is a citizen. Thus, the shared effect of *ius sanguinis* in the region is to reduce the overall importance of facilitated naturalisation procedures by providing an easier path to citizenship to those who retain an uninterrupted intergenerational continuity of

citizenship. More important variation exists in three of my cases – Moldova before 2003, Bosnia, and Montenegro – in which dual citizenship is more heavily restricted. Children born abroad to citizens of these states may have a strong disincentive to register or retain citizenship gained *ius sanguinis* if it clashes with the possibility of holding citizenship in their countries of residence. Despite this variation, *ius sanguinis* abroad, by itself, has an ambiguous effect on external selectivity. Its selective effects are ultimately conditional upon the initial ethnic structure of citizenry, upon selectivity in naturalisation rules (Vink and Bauböck 2011: 13), and upon the availability of dual citizenship. All these factors are built into the analytic framework that I present fully in the second section. Because they powerfully shape selectivity effects of *ius sanguinis* abroad I mostly relegate my discussion of this mode of reaching out to favoured groups to the background.

Similarly, I am restricting my research only to preferential avenues to full citizenship. External quasi-citizenship, or what has been cleverly termed ‘ethnizenship’ (Bauböck 2007: 2396), remains outside of my main focus. Many states of the region – Romania, Albania, Hungary, Slovenia, Bulgaria, Serbia, and perhaps soon Croatia – are offering quasi-citizenship rights in cultural, educational, or socio-economic spheres to co-ethnics residing abroad. Ethnizenship does not amount to full membership and the full bundle of rights associated with citizenship. Yet, in combination with different external selectivity regimes it can serve the purpose of nurturing special ties to favoured outsiders in different ways. For instance, Serbia and Slovenia combine ethnicised post-territorial selectivity with ethnizenship in order to reach co-ethnics that are not able or willing to become full dual citizens (i.e. their host state discourages dual citizenship). Other citizenship regimes may use ethnizenship as a substitute to full blown ethnic post-territorial citizenship. Such was the case with the Hungarian Status law of 2001. Ethnizenship is thus a part of an overall state strategy of reaching out to favoured outsiders. Though I mention it when it significantly impacts on the interpretation of external selectivity regimes, my focus remains on facilitated access to full citizenship.

Finally, I am not looking into more general differences in how states in the region naturalise applicants through standard naturalisation procedures, nor do I include widespread rules governing naturalisation based upon *individual* special ties such as marriage with a citizen. I am principally interested in the questions of whether, how and why states of the region decide to selectively relax exclusivity of citizenship in order to facilitate naturalisation of members of groups defined as having special *collective* ties to the state in question. However, I only partially agree with Vink and Bauböck (2011: 16-17) who suggest that restoration of citizenship should be seen as facilitated naturalisation based on individual ties. This is certainly the case with re-acquisitions by former citizens, and often by the first generation descendants of former citizens. Consequently, I do not take into account issues related, for instance, to the correction of specific personal injustices, such as provisions restoring citizenship to political emigrants who were stripped of it during communist rule. However, in cases when these rules provide facilitated access to

citizenship to grandchildren of former citizens, the personal history of applicants becomes increasingly irrelevant, and their genuine and effective links to the state in question become dubious. This is particularly so when restoration of citizenship is used to correct perceived geopolitical injustices, such as in Romanian provisions for restoring citizenship, and in similar Hungarian provisions adopted in 2010. In those cases it seems to me more accurate to describe restoration of former citizenship as a veiled form of facilitated naturalisation based on collective ethnic ties.

While the existing studies sometimes explore a richer variety of policy instruments that states use to engage ethnic kin, or are richer in examining political nuances of individual cases, my goal in this paper is comparative, but restricted to a relatively narrow aspect of overall citizenship politics. There is no basis to automatically assume that the same variables explain the content of different segments of overall citizenship regimes, nor indeed a basis to assume that different purposes and functional segments of citizenship form a coherent whole that can be compared and explained in a single stroke. Instead, disaggregating citizenship into smaller sub-regimes – such as external selectivity regimes – facilitates focused comparison across cases (Vink and Bauböck 2011). In searching for patterns and causes in this comparison, existing research on preferential naturalisation offers a range of explanations for the motives behind particular state strategies. Similarly, research on broader citizenship politics offers several important explanatory approaches whose applicability specifically to the sphere of external selectivity is worth considering.

Joppke (2003; 2010: 70) has noted that left-right political competition remains relevant (though not in all contexts decisive) for the variable dynamics of de- and re-ethnicisation of citizenship. This has been an important reminder against the claims that ‘idioms of nationhood’ tightly constrain the evolution of citizenship (Brubaker 1992). Not that notions of nationhood and ethnic solidarity do not matter in this research field, but they are increasingly recognised as being “too blunt a conceptual instrument” (Brubaker and Kim 2011: 69) to explain significant variations in the ways citizenship, ethnicity, and territoriality interact. Similarly, many researchers focusing specifically on post-communist citizenship have long been aware that politics trumps identity (King and Melvin: 1999: 134-138). When attempting to unpack such politics in the post-communist region, some of the best research has employed careful analysis of single cases. Using the case of Croatia, Štiks (2010) finds a widespread nationalising drive in the initial post-communist citizenship policies, but also finds that the EU has in this area acted as a moderating force. Focusing on the case of Hungary, Waterbury (2010) has refined and advanced the party competition argument. She persuasively shows how right-wing Fidesz has strategically used the issue of Hungarian trans-border communities to increase its own “domestic political legitimacy, organizational capacity, and ideological positioning” (Waterbury 2010: 8). Using the example of Ukraine, Shevel (2009; 2010) integrates political competition and national identity arguments. She shows that civic citizenship regimes in the post-Soviet space may arise even in the absence of a civic understanding of nation.

Instead, they can emerge as a rational compromise between competing non-civic visions of national identity embodied in different party blocs.

Although these studies have offered important insights, by tending to neglect comparisons in favour of concentrating on single ‘instructive’ cases, they have not sufficiently highlighted and explained *variations* that exist within the external selectivity regimes in post-communist Europe. They have also not done enough to specify scope conditions for the proposed independent variables and causal mechanisms. As a step to overcoming these shortcomings, in this paper I employ medium-N analysis that allows relatively thick description comparing politics of external selectivity both across cases, as well as within cases in different periods. In this way I am able both to draw original inferences, and to initially test the reach of the existing explanations. My primary goal is to show the plausibility of my claim that several existing explanations for the politics of selecting by origin in post-communism are mutually compatible but that their relative causal weight across periods and cases is conditional upon contextual scope conditions that I identify in this paper. Even so, my case selection within post-communist Southeast Europe ensures that the cases share a broadly similar historical context, while the region still exhibits numerous variations in both dependent and independent variables.

The first contextual trait shared by all the cases is that their regimes of selectivity were initially designed – or are deeply influenced by the political legacy of events taking place – in the highly volatile historical period triggered by the sudden demise of communist regimes. This period presented a critical juncture in which popular mobilisation around various issues, in combination with the breakdown of international and national institutional structures, offered otherwise rare political opportunities. The second trait influencing in some ways all my cases comes from the fact that external selectivity in the post-communist Southeast Europe often does not primarily target diasporas, but kin-communities residing in neighbouring countries. This makes it more difficult to disentangle issues of citizenship and ethnicity from territorial issues and issues of international politics. Thirdly, post-communist countries of Southeast Europe are rarely final destinations of economic immigrants, so the constituencies that in richer states often pushed for more inclusive naturalisation rules (Joppke 2003, Benhabib 2004) were mostly absent from my region.

These shared traits also make post-communist Southeast Europe into an analytic unit distinct from the better known (Joppke 2005) recent examples of ethnic selectivity, such as those exhibited by Israeli and German “laws of return”, and the Spanish and Portuguese preference for naturalising Hispanic and Lusophone applicants. It is true that the contextual conditions shared by my cases are also shared by many other post-communist European cases. However, limiting my attention only to Southeast Europe provides a more manageable setting for qualitative research. It is also better suited for a comparative approach that had the seven cases emerging from the former Yugoslavia plus Albania in its initial focus. In my research I have found it necessary to test some of my own thinking originally

developed from these eight cases using an additional layer of comparable cases. To do that, I have turned to the post-communist countries of Southeast Europe, and I have somewhat unusually broadened this region to also include Hungary. While Hungary is rarely seen as part of Southeast Europe, it is an important player in the selectivity nexus with several other states of the region. So for reasons of both practicality and political importance I have decided to add it to my list of cases, which for the sake of brevity I will usually refer to as post-communist Southeast Europe.

This relatively ambitious research effort is building on the first phase of the CITSEE research project that collected data on citizenship in the countries emerging from the former Yugoslavia plus Albania. The wide range of material collected enables more comparatively framed research in the second phase of the project, of which this paper is a part. Because this paper situates the comparison of post-Yugoslav cases in a broader regional setting, I have also used the result of the EUDO research project. These two big research projects between them collected and analysed original data on citizenship issues in almost all European states using synchronised methodology.³ Their results are presented in several databases, in individual country reports based on primary research by a large number of native speaking scholars, and in comparative and conceptual papers. In my research I have relied extensively on all these sources.

I proceed in the second section to introduce my novel analytic typology of external selectivity regimes. I justify the criteria used to develop it, and demonstrate the analytic utility of this typology by mapping the current state of affairs and temporal evolution of external selectivity regimes in post-communist Southeast Europe. I show that the region exhibits a puzzling degree of variation in outcomes and trajectories. In the third section I make an initial step toward explaining these numerous variations by providing a relatively thick comparative description of the politics behind external selectivity in the region.

2. Conceptualising and Mapping External Selectivity in Post-Communist Southeast Europe

The accessibility of citizenship, even for favoured groups, can depend on numerous legislative and procedural details such as the number and geographic spread of places where an application for citizenship can be submitted, the price of applying, or the usual time taken to decide on an application. While all these are certainly relevant aspects of particular external selectivity regimes, in this paper I am more interested in developing concepts that can serve as meaningful 'data containers' (Sartori 1970: 1039; Gerring, 1999: 357-361) for my broader comparative goal. For this

³ CITSEE project (The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia) is based at the University of Edinburgh. More is available online at <http://citsee.eu/>. EUDO Citizenship project (European Union Democracy Observatory on Citizenship) is based at the European University Institute in Florence and can be located online at <http://eudo-citizenship.eu/>.

reason I propose to focus on the most widespread means of facilitated naturalisation, and to classify external selectivity regimes in post-communist Southeast Europe according to two basic criteria. The first of these criteria is whether the group eligible for the most facilitated naturalisation procedure is ethnically defined, or a group defined by territorial origin. I term the former ethnic, and the latter emigrant selectivity regimes. My second analytic criterion is whether members of the most favoured group – either emigrant or ethnic – are required to establish residence in the state in order to become eligible for the most favourable naturalisation track. Where residence is required I speak of welcoming selectivity regimes. Where residence requirement is waived I speak of post-territorial selectivity regimes. Cross-tabulation of the two criteria yields the following analytical typology:

External selectivity regimes	Residence requirement		
		Yes	No
Ethnicisation	More	Ethnic welcoming	Ethnic post-territorial
	Less	Emigrant welcoming	Emigrant post-territorial

Table 1

In addition, in order to capture more nuances within these major types of external selectivity regimes, I further divide each of them into four sub-types depending on where a specific sub-type stands on a vertical 'ethnic-emigrant' continuum, and on a horizontal 'welcoming-post-territorial' axis.⁴

Under ethnic regimes of external selectivity a person seeking to acquire citizenship is required to somehow prove that he or she belongs to the favoured ethnicity, which is usually the most numerous one in a country. Usually there is a degree of vagueness about what counts as valid proof, but once this proof is produced an applicant qualifies for the most facilitated method of naturalisation available. In contrast, to qualify under emigrant selectivity regimes, an applicant needs to prove personal or ancestral origin from the territory of the state in question. Emigrant selectivity regimes include anyone with a valid territorial origin, and they exclude co-ethnics without this kind of territorial origin. Ethnic selectivity regimes include everyone recognised as a co-ethnic without any need to produce proofs of territorial origin. Ethnic selectivity regimes usually do not entirely exclude the possibility of naturalisation of people of non-favoured ethnicity. However, such people must go through more burdensome naturalisation procedures, even though

⁴ I discuss some of the details in the paragraphs that follow but for the full details see Appendix.

their genuine and effective link to the state in question may be stronger than the link of some co-ethnics. If even this alternative path to naturalisation were denied that would amount to controversial and currently rare regime of *negative* ethnic selectivity, in which members of certain ethnicities are denied legitimate access to citizenship (Joppke 2005: 21-23).

Naturalisation rules and practices are complex matters, and divisions between ethnic and emigrant selectivity are not always clear-cut. For instance, some emigrant selectivity regimes contain culture-specific conditions, the most common of which is the ability to speak the official language of the naturalising state. Even though from a normative perspective language requirements may be seen as serving both liberal and illiberal means (Dumbrava 2010: 11-12), on the immediate practical level they can pose a somewhat bigger challenge for applicants who are not tested in their mother tongue. Thus, instead of a dichotomy between ethnic and emigrant selectivity, it is better to think about a continuum on which there can be various degrees of ethnicisation, which is something I try to capture through the sub-types in my analytic typology. The regime sub-type that is perhaps most difficult to code is the one where the most preferable method of naturalisation is extended to descendants of former citizens from the territories that used to belong to the country in question. Taken at their face value, these regimes require proof of territorial and not of ethnic origin. However, in the cases of Romania and Hungary (since 2010) my view is that intention of lawmakers was to use former citizenship as a proxy for ethnicity, albeit one useful for denying accusations about the 'illiberal' character of selectivity. After Romania lost its previous territories to Soviet Union, a number of people of different ethnic origin moved to those territories, while the influx of ethnic Romanians was very limited. Similarly, in the territories Hungary lost, the number of ethnic Hungarians decreased in favour of ethnicities that constituted core groups in the neighbouring states. Because of this, the effect of using this 'extraterritorial' criterion is to maximise the number of eligible Hungarians and Romanian-speakers, while excluding many applicants of different ethnicities. Targeting perceived co-ethnics is further advanced through the Romanian practice of formally testing applicants' knowledge of Romanian, and Hungary's informal check of applicants' competence in Hungarian language.

However, extraterritorial former citizenship is an imperfect proxy for ethnicity since certain members of non-targeted ethnicities may still qualify for the most favoured method of naturalisation (i.e. they may speak sufficient Romanian, and have ancestors who were citizens of interwar Romania). Nonetheless, this imperfection is not that much different from any other criteria for recognising co-ethnics. Given that ethnic identification is a less exclusive and relatively malleable trait, no criteria can perfectly target "real" co-ethnics and only co-ethnics. To reduce this unavoidable problem, states with more ethnicised selectivity regimes prefer applicants who can show documents in which their ethnicity is clearly stated, or those who have certificates of continuously belonging to ethnic diaspora organisations, or of being affiliated with an appropriate church. Sometimes it is

enough for applicants to simply have an appropriate sounding name. Outcome is less certain for those applicants who can *only* demonstrate soft cultural affinity. In principle, these are universally acquirable skills, such as command of language, or knowledge of constitutional system and national history. In these cases it is usually up to the administration to make a judgement on whether the ethnic origin of an applicant is “genuine”. The fact that states even engage in guessing the ethnicity of applicants, and the fact that the outcome of this guessing influences the availability of a particular route to citizenship, stands in contrast to emigrant selectivity regimes in which a person is centrally concerned with proving his or her territorial origin. The extraterritorial culture-specific regimes of Romania and Hungary stand somewhere in between, not because their way of targeting co-ethnics is less precise, but because in eschewing explicit ethnic criteria, their selectivity remains confined to a territorially defined sub-group of co-ethnics.

Within emigrant selectivity regimes there are important differences in generational reach. Repatriation rights of former citizens and their first generation descendants are part of the widespread increase in tolerance of dual citizenship. Facilitated naturalisation of emigrants of the second generation and beyond is more controversial (Joppke 2010: 65). No matter how deep the generational reach, the target group of emigrant selectivity may in practice overlap with the target group of positive ethnic selectivity to different degrees. This obviously depends on how multiethnic the historical population of the country is. But emigrant selectivity is more ethnically neutral, at least because ethnic origin is never a sufficient condition for facilitated naturalisation. For instance, Macedonian facilitated naturalisation rules benefit territorially defined emigrants and their first generation descendants. A beneficiary in this regime could be an ethnic Albanian from Switzerland claiming citizenship of Macedonia based on parental origin in the territory of Macedonia. In contrast, an ethnic Macedonian from Serbia who is active in Macedonian diaspora organisations would not qualify under Macedonian emigrant-centred selectivity if it were not his/her parents, but his/her grandparents who left Macedonia, and if the intergenerational continuity of transferring citizenship has been interrupted for whatever reason.

It is easier to discern where a particular case belongs on the horizontal axis of my analytic typology. The criterion for doing this is whether members of the most favoured group – either emigrant or ethnic – are required to establish residence in a state that is granting them citizenship. If naturalisation rules require one to live some time within a state before becoming its citizen, the message sent to the favoured group is: if you come and live here you will be welcomed and recognized as full citizens more easily than the “real foreigners”. Thus, I term these regimes *welcoming*. Here citizenship is imagined as territorialized in a way characteristic of a Westphalian international order. By contrast, in untying the nexus between territory and citizenship *post-territorial* regimes of selectivity seemingly make a break with the norms of this order (Ragazzi and Balalovska 2010: 2-5). While retention of tighter ties between emigrant communities and their countries of origin is a global trend, the

extension of citizenship to include trans-border ethnic kin communities often sparks international controversies. In many states targeted by neighbours' post-territorial selectivity regimes a reasonable suspicion arises about how post-Westphalian these regimes really are. States often justify post-territorial selectivity by hijacking contemporary parlance of trans-national forms of membership. Perhaps hijacking of this emancipatory parlance can be used not only to cover up the new modes of exclusion (Ragazzi and Balalovska 2010: 4), but also to cover up a very Westphalian intention to re-tie citizenship to an enlarged state territory (Bauböck 2010: 2-3). This is especially the case when states offer citizenship to co-ethnics residing within the jurisdiction of other states unilaterally and in a highly politicised manner invoking arguments of historical injustice. The line separating welcoming and post-territorial citizenship regimes has thus often been the line separating cases that give rise to accusations of silent irredentism, or at least to accusations of ethnic populism.

Using these analytic criteria, and based on the databases and country reports produced in the previous phase of CITSEE and EUDO research, I have coded the current external selectivity regimes of 12 post-communist cases in Southeast Europe (Table 4). I do the same in separate tables for the post-communist trajectories of each case (Table 2, and Table 3). The medium-N analysis employed here has the advantage that it allows for greater measurement validity, which is especially important bearing in mind the often ambiguous wording of citizenship laws and various grey zones in administrative practices. The way in which this measurement validity is achieved inevitably involves the exercise of judgement by the researcher, and as such is open to debate. In the Appendix I provide the detailed coding criteria I have used, as well as the coding results for each case over time. This makes my coding judgements transparent, consistent across cases, and open to critique, while it enables me to develop a typology of regimes of external selectivity that allows comparative analysis to proceed.

Early 1990s, initial cases	Residence requirement				
Ethnicisation		Yes		No	
	More	Bulgaria (1991, 1998)	Hungary (1993)		Slovenia (1991) Croatia (1991) Albania (1992)
					Romania (1990, 1991)
	Less		FR Yugoslavia (1996)	Macedonia (1992)	
		Moldova ⁵ (1991)			

Table 2

Shifts and entrants	Residence requirement				
		Yes		No	
Ethnicisation	More	Bulgaria (2001)	Hungary (2010)		Slovenia Croatia (1998) Albania Serbia (2004)
					Romania (2001-2007)
	Less		FR Yugoslavia	Macedonia Kosovo (2008)	
		Moldova (2003)	Bosnia (1997, 1999) Montenegro (1999, 2007)		

Table 3

⁵ Before 2003 Moldova had an undifferentiated 10 year residence requirement for everyone. Combined with the constitutional rejection of dual citizenship, this makes it an exceptional case without any kind of selectively facilitated naturalisation based on collective ties. I code it also exceptionally as 'restrictive', and it should actually be graphically located outside of my quadrants.

Year 2012	Residence requirement				
Ethnicisation		Yes		No	
	More	Albania			Slovenia Croatia Bulgaria Serbia
					Hungary ⁶ Romania ⁶
	Less			Macedonia ⁷ Kosovo ⁷	
				Bosnia Montenegro	Moldova

Table 4

Some patterns are immediately observable from these tables. First, most of the countries in the region currently have some sort of post-territorial citizenship, though states differ in degrees to which access to this citizenship is ethnicised. Second, ethnic post-territorial external selectivity emerged in two separate temporal waves. One wave occurred in the early 1990s, and the other one has been happening since 2001. This leaves Albania as the only ethnically non-divided state in the region that has not shifted to the ethnic post-territorial type, opting instead for a mildly welcoming ethnic selectivity regime. In the following section I make initial steps toward comprehensively explaining these patterns and exceptions.

3. Politics of Selecting by Origin: Party Politics Matters... Eventually

Alternative pathways can lead to very similar outcomes, and multiple causes can be simultaneously pulling the cases in the same or in opposing directions. The search for parsimonious explanations has its limits in the need to be fair to the complexity of the underlying puzzle. By relaxing assumptions of mono-causality I am able to build

⁶ Because bilingualism is much more common in Moldova than in the regions that used to belong to Hungary, the effects of the Romanian external selectivity regime are in practice less ethnically exclusive. Hungarian regime is *de facto* less “imprecise” in excluding members of other ethnicities.

⁷ Macedonia and Kosovo belong to my emigrant culture-specific sub-type because they are cases in which linguistic differences between major communities are high, while their selectivity regimes - though not requiring proof of ethnic origin - do require applicants to demonstrate language competence. Kosovo’s selectivity regime is more inclusive since it demands competence in Albanian or Serbian, while in Macedonia only competence in Macedonian will suffice.

on the existing approaches by weighing the causal strength of several variables in different cases and periods. My central claim is that the relative causal weight of explanatory variables has been crucially shaped by differences (a) between old nation-states prone to act as external national homelands, newly emerging nationalizing states, and ethnically divided states; and (b) between the early post-communist years of 'thickened history' (Beissinger 2002: 27) and the later politically calmer period after 2000. Through the following four subsections I describe the political dynamics under these different conditions. Before proceeding, I want to give several caveats about my use of labels 'left' and 'right' in what follows, because I find that throughout the period left-right political competition was an important, though often not decisive, force in shaping external selectivity regimes.

Left and Right are intuitive and widely used but notoriously underspecified concepts in political science (Mair and Mudde 1998: 214). To use an easy example from my cases: are Milosevic's and Illiescu's nominally leftist parties pursuing nationalistic policies to be treated as leftists or not? To avoid this confusion, in this paper I follow Wittenberg (2006: 34-37) who defines party blocs genetically and relationally. In this approach, communist successor parties are always leftists. Regardless of shifting ideology, policies and symbolism they retain an organisational continuity and leftist (self-)perception that makes their identity recognizable over time. Even Serbian and Romanian ex-communist parties were sometimes accused of not being "true to the nation" but mere communist converts. Crucially, if all the parties pursuing some nationalist policies were to be considered simply nationalistic, the notion of party identities would lose explanatory leverage. It would be dangerously close to tautology to first deduce party identity from some of their actions, and then to use this identity to explain the very same actions, or their subset. This would obscure the critical importance of understanding the context in which some ex-communists turned toward nationalist policies while their sister parties in neighbouring states behaved differently, or indeed why the very same nationalist ex-communists in different periods behaved differently.

In relation to the ex-communist Left, I define major parties opposed to them as being on the political Right, while conceding that this glosses over major fault-lines within this opposing bloc (Hanley 2004). Over the years, as old regime-new regime cleavage subsided, some of these parties would successfully refashion and reposition themselves as centrist liberals, agrarians, populists, or even social-democrats. To capture this evolution in how party systems in the region are structured, I will use the labels 'ex-communist left' and 'anti-communist right' to describe major parties in the early post-communist years. When I move to discuss later years I will drop this reference to the communist period, and simply talk of 'left' and 'right' depending again on organisational continuity and inter-party relations and perceptions as they evolved. However, some party systems – especially the post-conflict cases or very small countries – are difficult to analyse in terms of political left and right. I will deal with these on a case-by-case basis, when and if peculiarities of party systems are relevant for issues of external selectivity.

3.1. First Wave: Nationalizing Novices and Structural Demographic Constraints

Almost without exception newly emerging states in the post-communist Europe sought to establish their credentials as ‘national homelands’ (Brubaker 1996: 103-106). To achieve this they engaged in nationalizing practices both in their citizenship regimes, and in their wider policies. The message that these policies were conveying is that the newly emerging states were to be states *for* their titular nations. To compensate for perceived past injustices, to mark new ethnic hierarchy in the state, and to justify the independent existence of novel states, it was important to send this political message. It was sent by promoting the language or script of the titular nation, its version of history, culture, political and everyday symbolism, its ‘just’ share of posts in military, police and bureaucracy (Petersen 2002: 41-42). Adopting ethnic post-territorial regimes that could reach out to all segments of the country’s major ethnic group was a part of the nationalizing efforts in these new states. All principled excuses, cushions and well-intentioned justifications aside, the politicised and highly salient nature of inter-ethnic relations in the countries of the region made ethnic selectivity a clearly legible message about who were ‘the real owners’ of a state. The importance of sending this message when establishing new states is nicely illustrated by the examples of Slovenia and Croatia, where citizenship laws, designed by their rightist governments, were included into the initial packages of acts establishing national independence (Medved 2010: 6; Ragazzi and Štiks 2010: 1). However, although the desire to nationalise new states was widely shared, the success of these efforts hinged on the underlying congruence of new states’ ethnic composition with the nationalizing policies of their political elites. (Table 5)

Country (year)	Initial regime	Governing party bloc	Major ethnicity
Slovenia (1991)	Ethnic post-territorial	Anti-Communist Right	88.3%
Croatia (1991)	Ethnic post-territorial	Anti-Communist Right	78.1%
FR Yugoslavia ⁸ (1996)	Emigrant welcoming	Ex-Communist Left	65.92% + 5%
Macedonia (1992)	Emigrant post-territorial	Ex-Communist Left	65.3%
Moldova (1991)	Restrictive	Anti-Communist Right	64.5%

Table 5

The process through which Macedonia ended up with an emigrant post-territorialised regime illustrates how internal ethnic contestation actually works to influence the content of citizenship regimes. Macedonia adopted its initial citizenship regime at roughly the same time and in a very similar context to Slovenia and

⁸ FR Yugoslavia was a new state whose external selectivity had not been crucially shaped by the early nationalising drive. The specifics of FR Yugoslavia’s role as an external homeland were more important. For reasons of narrative convenience, I discuss it in the next sub-section.

Croatia. Still, unlike in those two, Macedonia's external selectivity regime has been post-territorial but never overtly ethnically selective. The constitution adopted by Macedonia in November 1991 was clearly meant to establish Macedonia as national homeland of Macedonian people. This was stated in a constitutional preamble, and was reflected in a later article that promises Macedonia will look after the status, rights and culture of "Macedonian people abroad, and of emigrants from Macedonia" (Article 49). However, ethnic composition on the ground was not favourable for Macedonia to be exclusively "owned" by ethnic Macedonians. In early January 1992 ethnic Albanians from Macedonia organised a separate referendum demanding broad territorial autonomy (Spaskovska 2010: 9). In the face of these inter-ethnic tensions, the citizenship law adopted in November 1992 dropped the explicit constitutional dualism between Macedonians abroad and emigrants from Macedonia. Instead, Macedonia went for emigrant post-territorialised selectivity, though one not very "deep" because only emigrants and their first generation descendants were eligible for easier naturalisation.

Though this outcome has endured, that does not mean it was uncontested. Beside the major inter-ethnic line of contestation, it was also the subject of political debate. The trajectory of this debate shows both the importance and limitations of left-right political competition in the face of structural constraints stemming from demography. In parliamentary debates in 1992 representatives of the anti-communist right-wing party VMRO-DPMNE argued in favour of ethnic post-territorial external selectivity, while the slender ex-communist left majority, fearing internal and international consequences, settled for an emigrant post-territorial regime (Ragazzi and Balalovska 2010: 17-18). Since independence, VMRO-DPMNE has supported ethnicised selectivity, and has tried to symbolically and administratively reinterpret emigrant selectivity in this direction. However, this tendency has always been checked by the presence of ethnic Albanians that number about a quarter of the total population, by the continuous presence of their representatives in coalition governments, and especially by the move toward formalised consociation in the aftermath of the brief but violent ethnic conflict in 2001. In short, ethnic Albanians in Macedonia remained too numerous not to have a voice in Macedonian politics, one way or another. Macedonian emigrant post-territorial selectivity has been somewhat ethnicised in that it requires applicants to have some knowledge of the Macedonian language. Similarly, Macedonia excludes emigrants who emigrated to their kin-state from the possibility of facilitated naturalisation (Spaskovska 2010: 13). To some extent these provisions favour ethnic Macedonians with territorial origins in Macedonia, but stop short of outright ethnic selectivity that could open up such highly sensitive issues as the history of Macedonians in eastern Bulgaria and northern Greece (Spaskovska 2010a: 18-19).

The Moldovan case is similar to the Macedonian in having both the initial nationalising enthusiasm of the political elites representing the majority, and in having complex ethnic make-up of the population curbing this overambitious nationalising endeavour. The main difference is that the nationalising effort in

Moldova was not in the name of Moldovans as a distinct ethnic group, but in the name of Moldovans as a part of the Romanian nation. Popular mobilization and semi-competitive elections in the early 1990 brought into power a broad protest movement, parts of which were staunchly in favour of unification of 'two Romanian states'. (King 2000: 147-160). However, the political situation got increasingly complex when it became evident that significant numbers of speakers of Romanian/Moldovan were opposing the Romanisation of independent Moldova, not to speak of the 'reunification'. The first clashes in the Transnistrian region broke out in November 1990, and further escalated in the following months. These developments led to a more conciliatory politics on the part of segments of the government in Kishinev, and gave the impetus for a quite restrictive and ethnically neutral citizenship law in June 1991. This law both constitutionally and legally prohibited dual citizenship. This provision countered the Romanian post-territorial regime, but was also handy for countering the Russian offer of passports to former Soviet citizens (Gasca 2010: 4-5).

Among the states that opted for ethnicised post-territorial regimes of selectivity, Croatia was the state with the lowest degree of ethnic homogeneity. The ethnicisation of citizenship and of other public spheres in Croatia in the early 1990s happened in the context of escalating ethnic conflict, and contributed further to its escalation. The Croatian ethnicised regime of external selectivity has survived partly due to the fact that this conflict ended in decisive Croatian military victory. That outcome substantially reduced the number of Serbs residing in Croatia. In the 1991 census, ethnic Croats comprised 78% of population, as opposed to 89.6% in the 2001 census. Simultaneously the Serb population shrunk from about 12% to 4.5%. This quick and violent change in ethnic make-up of the population moved Croatia into the zone where its ethnic post-territorial regime became much less likely to be challenged by internal minorities. In an unusual way, the Croatian case confirms my claim about the importance of ethnic demography for the politics of selecting by origin in the region.

Since the Croatian competitive authoritarian political regime began to democratise in 2000, with the left-leaning coalition ousting right-wingers from power, administrative practice has also slightly reduced the ethnic exclusivity of its external selectivity. These changes were particularly important for the refugee Serbs who were previously citizens of Croatia within Socialist Yugoslavia. After 2000 it became much easier for them to reclaim their Croatian citizenship based on the principle of legal continuity. More relevantly for my focus on selectivity in naturalisation procedures, this political and administrative realignment also enabled the non-resident descendants of Croatian citizens of Serb origin to become Croatian citizens if they wished to. The situation is very different from the one existing before 2000 when administrative practice under the same legislation often prevented the naturalisation of Serbs with familial connections to Croatia. Nevertheless, applicants of Croatian ethnicity remained privileged because they can be naturalised even if they or their ancestors are not emigrants from the territory of Croatia. (Raggazi and

Štiks 2010: 8-12). Thus, the Croatian regime of external selectivity has in the post-2000 period remained of positive ethnicised type, while discriminatory administrative practices in the 1990s contained elements of *negative* ethnic selectivity (Štiks 2010: 1632).

3.2. First Wave: Reluctant Veterans, Irredentist Opportunities and Economic Constraints

If new states were prone to nationalizing efforts in the post-communist era, states that were perpetuating the traditions of already existing nation-states were less likely to experience a strong internal drive to radically alter their citizenship regimes. In these old nation-states the issue of ethnic ownership was never under much doubt in the previous communist decades, so the post-communist reaction has been relatively milder. For those states positive ethnic selectivity had become the norm already in the early 1990s. Still, this selectivity sometimes took a welcoming, and sometimes post-territorial form. Old nation-states were perhaps expected to act as protective 'external national homelands' for their ethnic kin in neighbouring countries, and to more uniformly reach for the ethnic post-territorial type. They were certainly not ignoring their "stranded" co-ethnics. For instance, the first Hungarian post-communist Prime Minister Jozsef Antall famously declared himself 'spiritual' Prime Minister of 15 million Hungarians, and was known for tormenting his diplomatic guests with long historical lectures (Raine 2005). Nevertheless, it appears that something more was needed to push old states into translating even keen interest for trans-border co-ethnics into post-territorial selectivity. Since this kind of selectivity primarily targets co-ethnics that remain residents of foreign countries, states are mindful of the international repercussions of their policies. Again, left-right political competition seems to play some role, at least in shaping how international opportunities were perceived, but this role was again constrained in the first wave of post-communist citizenship reforms (Table 6).

Country (year)	External selectivity regime	Governing party bloc	Major ethnicity
Albania (1992)	Ethnic post-territorial	Anti-Communist Right	95%
Albania (1998)	Ethnic welcoming	Ex-Communist Left	95%
Hungary (1993)	Ethnic welcoming	Anti-Communist Right	93,2%
Romania (1990, 1991)	Ethnic post-territorial	Ex-Communist Left	89.5%
Bulgaria (1991, constitution)	Ethnic welcoming	Caretaker government supported by Left and Right	85.7%
Bulgaria (1998, law)	Ethnic welcoming	Anti-Communist Right	85.7%

Table 6

How perceived international opening could induce a ethnic post-territorial regime is well-illustrated by the case of Romania. In May 1990, mere ten days before the first competitive elections, the interim government of the National Salvation Front (NSF) issued Decree-Law no. 137, in which it removed residence requirements for reacquisition of citizenship for people who escaped Ceausescu's regime (Iordachi 2010: 9-10). Simultaneously, the political situation in Moldova, at least for several crucial months, seemed to go in a direction favourable to pro-Romanian unionist political forces. In this period of mass mobilisation, with the collapse of communism, a severe crisis of Soviet federation, and the unification of two Germanies already underway, it indeed appeared far from impossible that Moldova and Romania would form a political union. Extension of post-territorial citizenship was a convenient way to support pro-Romanian parts of the Moldovan political elite. In addition, ex-communists who emerged quite late in the day to take over the leadership of Romanian revolution could have used the boost in popularity from supporting this unification. In March 1991 NSF held its national convention under a map depicting Moldova as a part of resurrected Greater Romania (King 2000: 149-150). In the same month, the NSF-dominated parliament revised the rules governing reacquisition of citizenship to include also former citizens, and their descendants, living in territories once belonging to the interwar Romanian state (Iordachi 2010: 10-11). The combination of a sense of historical opportunity to redeem a perceived territorial injustice, and politicking within Romania provided an impetus for extending citizenship to Romanian-speakers in Moldova and in parts of present-day Ukraine. Because of its origin in this early irredentist opportunity, Romanian selectivity remained of my extraterritorial culture-specific sub-type.

In the absence of these specific opportunities, old nation-states were more reluctant to introduce post-territorial ethnic selectivity. Whatever the opinion about the Paris Peace Conference of 1919 in some quarters in Hungary and Bulgaria, these treaties were certainly not internationally delegitimized in the same way as the Nazi-Soviet Non-Aggression Pact of 1939 that created the present-day borders between Romania and Moldova. Thus, Bulgaria and Hungary both made some relatively mild concessions to nationalising practices in their external selectivity regimes. Under its anti-communist right-wing government in the early 1990s, Hungary made bigger concessions by reducing the required residence for naturalisation of ethnic Hungarians from eight years to effectively only one year (Section 4 of the Act LV of 1993 on Hungarian Citizenship). Bulgaria, where Left and Right retained an unstable balance of power immediately after the collapse of communism, adopted just such a general constitutional provision saying that naturalisation of ethnic Bulgarians should be favoured in future citizenship law (Smilov and Jileva 2010: 9). This constitutional clause was expanded only in 1998 when the law adopted by the centre-right reformist government allowed ethnic Bulgarians to be naturalised after three years of permanent residence in Bulgaria. Five years of continuous living in Bulgaria was required to get permanent residency. Thus, effectively ethnic Bulgarians had to move to Bulgaria and spend 8 years living there before they could be naturalised, as

compared to the 10 years effectively required of non-Bulgarians (Smilov and Jileva 2010: 12-13).

An interesting case is FR Yugoslavia (consisting of Serbia and Montenegro), which was technically a new state, but one where the strong and early nationalising drive had not left its imprint on external selectivity. Instead, the complex position of FR Yugoslavia in the process of the violent dissolution of former socialist Yugoslavia meant that for the duration of the Yugoslav wars, the adoption of new citizenship rules had to be postponed. In the early 1990s, despite occasional rifts with the leadership of Serb statelets in Croatia and Bosnia, FR Yugoslavia supported them strongly. However, FR Yugoslavia also had strong reasons to refrain from making a grand official proclamation of its role. After the breakaway Yugoslav republics were internationally recognised, any official involvement from FR Yugoslavia would have constituted an act of international aggression. Far from being tempted to extend citizenship to Serbs outside of Serbia as a justification for its involvement, the Yugoslav leadership was instead vigorously denying its involvement in the wars. Recently disclosed transcripts from the closed meetings of highest military and political leaders in the early 1990s confirm that they were seriously concerned about maintaining this official line (e-Novine: online).

Only in 1996, a year after the wars ended, was FR Yugoslavia able to amend the citizenship law it inherited from the communist period. One of the outcomes of those wars was that the smaller namesake of the former Yugoslavia received more than 500,000 Serb refugees from Croatia and Bosnia. If the new selectivity regime had been based on ethnic criteria, all these refugees would have easily qualified for citizenship. Despite putative ethnic solidarity, this option was not favoured by the Yugoslav government because of the potential economic costs involved, because the government in Belgrade wanted to facilitate the return of refugees to areas they had fled, and because of ill-conceived plans to resettle Serb refugees in Kosovo (Rava 2010: 10-12). Additional support for the claim that potential overload of refugee applications significantly shaped the selectivity regime in 1996 can be found in the fact that the law left several loopholes for economic emigrants to avoid renunciation of other citizenships upon repatriation. The supposedly general insistence on renunciation was diligently enforced only for refugee applicants (Čok 1996, Lilić et al 2001: 3-4).

The situation with refugees influencing the trajectory of an external selectivity regime was repeated in 1998 in Albania. As expected for an old state with a very homogenous ethnic structure, the post-communist selectivity regime of Albania was quickly ethnicised. Only four months after Sali Berisha's right-wing anti-communist party won the national elections in 1992, Berisha himself used a presidential decree to set-up new citizenship regulations. This adopted selectivity regime belonged to my ethnic post-territorial type, though the actual regulations were rather short and ambiguous about the residence requirement, and they left a lot of discretion to the Office of the President. I have argued that for an old nation-state to reach for post-territorial variation in the early 1990s a credible irredentist opportunity should have

been perceived by the state leaders. In the early 1990s Yugoslavia was collapsing, and ethnic Albanians in Kosovo and in western Macedonia had already held separate referendums calling for more self-rule. On the other hand, the violent break-up of socialist Yugoslavia was also already well underway. If for no other reason than for the fear of conflict spilling over, the Albanian government supported the more daring demands of its ethnic kin, albeit mostly verbally, and in a lukewarm manner (Wolf 2005: 83). It is difficult to determine how the perception of this situation evolved in Tirana, which was at the time preoccupied with internal social and political disturbances. However, the overall rate of naturalisation remained low as the ensuing years in Albania were marked more by strong economic emigration (Krasniqi 2010b: 9-10).

These disorderly years culminated in 1997 in the implosion of the state administration under pressure from the large-scale unrest triggered by the collapse of pyramid financial schemes. Berisha's rightist party was heavily defeated in 1997 snap elections, while the new, leftist government faced the daunting task of rebuilding state structures. In the spring of 1998 Albania started receiving ethnic Albanian refugees from Kosovo where armed conflict had been rapidly escalating. Albania faced a very real possibility – soon to become a reality – of having to receive hundreds of thousands more refugees. Under the 1992 selectivity regime the vast majority of them could relatively easily obtain Albanian citizenship. In order to avoid this probably unmanageable scenario, in August 1998 the government pushed through parliament a citizenship law reinstating the residence requirement for naturalisation of 'people of Albanian origin'. Under the new regulations they needed to meet all the standard and relatively burdensome requirements, except that they could be naturalised after three, instead of five years of legal residence. These amendments shifted post-territorial selectivity regime to a very mild version of the ethnic welcoming type (Krasniqi 2010b: 11-12).

3.3. Places in Between: Divided we Stand

As can be seen from the cases of Macedonia and Moldova, in the early days of post-communism, the causal mechanisms through which a complex demographic picture inhibits the ethnicisation of external selectivity has been different forms of peaceful and violent inter-ethnic contestations. Given the demographic structure and recent history of Bosnia and Montenegro, it is unsurprising to see both of those countries opting for non-ethnicised external selectivity. Somewhat unexpectedly Kosovo, despite its clear ethnic majority, also has an emigrant external selectivity regime. This should be interpreted in view of Kosovo's recent history, in which it has been an ethnically divided polity that descended into warfare. Reacting to this legacy, the international community – similarly to its role in Bosnia – became strongly involved in post-conflict institutional design and the day-to-day governance in Kosovo. In both cases this involvement helped to promote non-ethnicised regimes of external selectivity, though international involvement decisively altered the expected

selectivity regime only in the case of Kosovo. Throughout the post-communist years ethnically divided states remained confined to non-ethnicised selectivity regimes, even though these regimes were rarely the first choices of their political elites. (Table 7)

Country (year)	Initial regime	Governing party bloc	Major ethnicity
Moldova (1991)	Restrictive	Anti-Communist Right	64.5%
Macedonia (1992)	Emigrant post-territorial	Ex-Communist Left	65.3%
Bosnia (1997, decision)	Emigrant (refugee) ⁹ welcoming	Imposed by the International High Representative	43.5% ¹⁰
Bosnia (1999, law)	Emigrant (refugee) ⁹ welcoming	Coalition of nationalist rightist parties	43.5%
Montenegro (1999 ¹¹ , 2007)	Emigrant welcoming	Pro-independence parties	43%
Moldova (2003)	Emigrant post-territorial	Left	69.6%
Kosovo (2008)	Emigrant (refugee) ⁹ post-territorial	ICO-EUSR, ex-political wing of UCK	88%

Table 7

Bosnia had already been internationally recognized in 1992, but during the war the government of the Republic of Srpska and the government in Sarajevo enacted separate citizenship regimes. Regulations governing naturalisation of foreigners in the Serb part of the country were unambiguously ethnic, post-territorial. Rules adopted in late 1992, in the midst of the war, by the rump presidency of pre-war Bosnia were ethnically neutral but relatively restrictive regarding external selectivity (Sarajlić 2010: 8-11). The first post-war citizenship rules, imposed by the international community's High Representative, annulled all previous regulations. New rules, translated into law two years later, provided for facilitated repatriation of returning refugees and emigrants, and their descendants, up to the second generation. Whereas ordinary applicants have to live in Bosnia for 8 years before qualifying for citizenship, Bosnian returnees – whether they escaped the war or emigrated earlier or later due to economic circumstances – receive citizenship

⁹ Kosovo and Bosnia, being the cases with the most difficult post-conflict legacy, have introduced selectivity regimes that belong to my emigrant welcoming type, but that are also (or primarily) used by returning war refugees. Still, in both cases the wording of the legislation makes it clear that the intention was to use the same criteria for regular – both pre- and post-war – returning emigrants.

¹⁰ According to the last census conducted in Bosnia and Herzegovina in 1991 when Bosnia was still part of the former Yugoslavia, there were 43.5% Bosniaks (Muslims), 31% Serbs and 17% Croats. It is expected that the figures have shifted in favour of Bosniaks over the last 20 years so that the group these days accounts for about half of the population.

¹¹ Montenegro and Serbia were two republics of the same state until May 2006, but since 1997 in the sphere of citizenship, as in many other spheres, Montenegro has acted very much independently.

immediately upon repatriation, and without having to renounce other citizenships (Article 12 of the Law on Citizenship of Bosnia and Herzegovina, Sarajlić 2010: 12-13). These provisions make Bosnia a clear case of a welcoming regime, though one not primarily oriented toward economic emigrants, but which aims to facilitate the return of numerous war refugees scattered around the globe. Apart from this welcoming selectivity, the repeated interventions of international actors to delay enforcement of the legal clauses prohibiting dual citizenship enabled many Bosnian refugees and emigrants to hold Bosnian citizenship, and even to pass it through *ius sanguinis* to their descendants. Still, the continuation of such practices is conditional on reaching inter-ethnic consensus, or perhaps on another fiat of international administration (SEtimes [online]a).

Kosovo is also a post-conflict case where international actors were heavily involved in designing the citizenship regime. The law on citizenship was adopted with the support of all ethnic Albanian parties in Kosovo as part of an independence package in February 2008 (Krasniqi 2010a: 12-13). Obvious effort has been made to stress that the Kosovo diaspora is defined in an inclusive manner, and applicants are asked to have elementary knowledge of either Albanian or Serbian. Kosovo is a partial exemption to my theory because it does have a clear ethnic majority, but the international community has been safeguarding the avenues through which ethnic Serbs, despite their relative numerical disadvantage, could in future have a voice in Kosovar politics. Inclusivity of external selectivity is one of those avenues. If and when non-resident ethnic Serbs with territorial origins in Kosovo – many of whom had to flee from Kosovo in 1999 – should begin to apply for Kosovan passports, it will be interesting to see how the clear ethnic dominance of ethnic Albanians and history of strong inter-ethnic antagonism will square with the current regime of selectivity. A crucial factor for the sustainability of this inclusive citizenship regime will be the ability of consociational mechanisms in Kosovo's internationally designed constitution (Marko 2009) to secure a continuous political voice for Serbs, when and if they start participating in Kosovo's politics in greater numbers.

Because the Montenegrin citizenship law adopted in 2007 does somewhat reduce the residence requirement for emigrants and their descendants, it qualifies as emigrant welcoming, but only in a very limited sense. The main limitation comes from rejection of dual citizenship, except on the basis of rare bilateral agreements (Dzankic 2010: 19). This rejection is conditioned by the fears of the Montenegrin ruling party that even a moderate increase in the number of dual citizens with pro-Serb inclinations could alter electoral results, or even endanger the recently established independence of Montenegro (Džankić 2010: 11). The electorate in the country has been almost evenly split for years; competing Montenegrin and Serb nation-building projects were a major part in this division.

All four ethnically divided states, and partially recognised Kosovo, are also countries where a significant part, or even majority of population, is the target group of neighbours' kin-policies. With the partial exception of Montenegro, the four other cases have no modern tradition of independent statehood that precedes the

communist period. Historically they have been places-in-between where the modern national idea was planted comparatively late, and where neighbouring state- and nation-building projects competed (and where they to an extent still compete). With the exception of Albania's relation to Kosovo, and FRY/Serbia relations to Bosnia before 2004, these kin-state policies by bigger "brotherly" nations included the extension of ethnic post-territorial citizenship. Wherever that is the case, the extension of citizenship is seen by at least some segments of the political elites in the targeted state as a sort of "hostile takeover" bid. In response to this, Moldova in the 1990s, and Montenegro since 2007, took steps to counter the ethnic post-territorial regimes of their neighbours by excluding the possibility of dual citizenship except on the basis of rare bilateral agreements. Because Albania does not offer ethnic citizenship on a non-residential basis, Kosovo has freely opted for tolerating dual citizenship and for emigrant post-territorial selectivity. As in Bosnia, this regime is aimed at war refugees, but also at Kosovo's older and politically and economically influential ethnic Albanian diaspora. Macedonia also kept its emigrant post-territorial regime. The number of Macedonians using the possibility to acquire Bulgarian passports – though not insignificant – has remained relatively small (Smilov and Jileva 2010: 15), and has not prompted strong protective measures against 'hostile takeover'.

Bosnian post-war regulations contain a similar clause on restriction of dual citizenship; until recently a bilateral agreement regulating dual citizenship had been concluded only with Sweden and Serbia. The agreement with Serbia was originally signed with FR Yugoslavia in 2002, in the period before Belgrade shifted to an ethnic post-territorial selectivity regime. Moreover, the agreement stipulated that access to second citizenship is conditional on permanently residing in the naturalising country for three years (article 1). In other words, the agreement took steps to protect Bosnia from 'hostile takeover'. After Serbia switched to an ethnic-post territorial mode of selective naturalisation in 2004, there was an attempt by Bosniak politicians to cancel the agreement in 2007. However, Bosnian consociational institutions guarantee that it can be cancelled only in the highly unlikely scenario in which representatives of all three constituent ethnicities do not object to the motion.

Rejection of dual citizenship goes against the established global trend of greater tolerance for the practice, and sits uncomfortably with the importance of remittances in the poorer economies of the region (World Bank 2006: 59). Moreover, it is difficult for states to actually control whether its citizens are taking up other citizenships. This sometimes created *de facto* conditions that are very different from those written in laws. For instance, due to the precarious economic situation in Moldova, an unusually high percentage of citizens emigrated; many took up foreign passports, most of them Romanian passports, but also Russian, Bulgarian and others (Novinite [online]). Eventually, in the early 2000s, even the Moldovan leftist pro-independence ruling party was persuaded to accept the situation. In a burdensome amending process, Moldova has since 2003 accepted an indirect and limited form of dual citizenship (Gasca 2010: 4-5). Similarly, squabbling Bosnian ethnic elites in 2011

finally came to an agreement to ratify the bilateral treaty on dual citizenship with Croatia (SEEbiz [online]). Over the years, it is estimated that more than 500,000 Bosnian citizens took Croatian citizenship. Not all of those were ethnic Croats, as many non-Croats in western Bosnia also found ways to claim Croatian passports, which were useful for travel and for economic purposes (Sarajlić 2010: 19).

3.4. Second Wave: Party Politics as Usual

After 2000 reforms in external selectivity regimes mostly entailed ethnicisation and removal of residence requirements (though one apparent exception is Moldova, I have already discussed how the Moldovan shift of 2003 is of completely different kind). This leaves the Romania's 2001-2007 suspension of post-territorial aspects of its ethnic selectivity as the only partial exemption to the trend witnessed in Bulgaria, Serbia and Hungary. In these three cases, and in the case of the Romanian swing back to post-territorial ethnic selectivity in 2007, the removal of residency requirements for naturalisation of co-ethnics was adopted during the reign of rightist parties (Table 8). Even though the political left in neither of these countries initiated regime shifts, their reactions to these shifts differed. In Bulgaria and Serbia, after being proposed from the right, these moves garnered some support from the left as well. The left was more vocally opposed in Romania and in Hungary. However, only Romanian leftists were able to alter the regime after Romania faced a potential naturalisation overload in 2001. In all these countries the extension of citizenship and voting rights to non-resident co-ethnics were seen as electoral ploys of the rightist parties posed to garner most of the external votes, but also to build their internal legitimacy as parties most concerned for the fate of the nation.

Post-2000 shifts (year)	Regime shift	Governing party bloc	Major ethnicity
Bulgaria (2001)	Ethnic welcoming → Ethnic post-territorial	Right	83.9%
Romania (2001)	Ethnic post-territorial → Ethnic welcoming	Left	89.5%
Moldova (2003)	Restrictive → Emigrant post-territorial	Left	69.6%
Serbia (2004)	Emigrant welcoming → Ethnic post-territorial	Right	82.9%
Romania (2007)	Ethnic welcoming → Ethnic post-territorial	Right	89.5%
Hungary (2010)	Ethnic welcoming → Ethnic post-territorial	Right	94.4%

Table 8

However, right-wing governments in the same countries were in power both before and after this resurgence of interest in citizenship reform. Is it possible to move beyond the idiosyncrasies of national legislative processes to explain the timing of these external selectivity reforms? Their clustered timing and very similar thrust suggest that it is not just a mere coincidence of mutually independent cases. Citizenship studies have so far dealt with issues of reform timing when explaining the persistence of and changes to immigrant naturalisation rules in Western Europe. One suggestion has been that right-wing mobilisation outside of mainstream centre-

right parties is needed in order to put migration issues on the legislative table, and to pressure mainstream parties into taking a more nativist attitude (Howard 2006: 449-451).

In the early 2000s Hungary saw some of this right-wing anti-mainstream mobilization in favour of extending citizenship to all trans-border ethnic Hungarians. The World Federation of Hungarians (a diaspora forum) in particular campaigned for post-territorialisation of citizenship as the EU accession of Hungary approached and threatened to leave cross-border ethnic Hungarians outside of 'the fortress Europe'. In response to this campaign the rightist government of Fidesz in 2001 drafted a controversial Status law, which extended a substantial portion of quasi-citizenship rights to ethnic Hungarians in neighbouring states, but refrained from post-territorialising citizenship. The proposal put forward by the Federation was at the time deemed unrealistic and risky. However, the halfway solution presented by the Status law still outraged the governments of neighbouring countries, and failed to meet the expectations of the Federation and its supporters. After the most controversial provisions of the Status law were curbed in 2003 under a new left-wing government, the Federation started a new campaign to force a referendum on extending full scale ethnic post-territorial citizenship. Only after considerable hesitation did Fidesz accept the proposal.¹² Left-wingers in power opposed it mainly on the grounds of the economic costs it would entail for resident Hungarian citizens. The proposal was defeated in December 2004 after the government called for a boycott of the referendum in order to reduce participation below the constitutionally required threshold (Kovacs and Toth 2010: 11-12). However, the call for post-territorialisation of citizenship became a prominent feature of Fidesz's platform in the following years. Only after a decade of struggle was the citizenship regime of Hungary finally post-territorialised once Fidesz returned to power in a landslide victory in the 2010 elections. It was a sign of the growing legitimacy of post-territorial citizenship in the region that only the Slovakian government strongly objected, whereas in the early 2000s Bucharest and Belgrade both joined Bratislava in vocally criticising the mere quasi-citizenship entailed in the Status law (Bauböck 2010; EUDO [online]).

Unlike in Hungary, the other two cases of right-wing sponsored citizenship regime shifts saw no similar bottom up mobilization in favour of reform. Party and parliamentary debates in Bulgaria in 2001 and in Serbia in 2004 were not particularly fierce. Notably, by 2004 Serbia had already lost effective control of Kosovo, leaving ethnic Serbs the clear majority (83%) of the population. When in 2003 FR Yugoslavia was transformed into the much looser State Union of Serbia and Montenegro, Serbian legislators first gained exclusive legal jurisdiction to direct citizenship policies. Thus, the earlier obstacles to ethnicisation of selectivity regime disappeared.

¹² For an exhaustive analysis of different modes of Hungary's engagement with trans-border kin-communities see Waterbury 2010. For the reasons leading Fidesz to shift its position and start supporting ethnic post-territorial selectivity, see pp. 124-126.

When Bulgaria and Serbia opted for post-territorial regimes, many regional states had already adopted similar regimes of external selectivity, while internationally prominent contestations were already underway in Hungary, and some West European countries such as Italy moved in a similar direction (Zincone and Basili 2010: 11). Post-territorial citizenship appeared as a regional pattern that provided a relatively clear blueprint to be followed, and internationally justifiable at least on grounds of reciprocity.

This regional trend toward ethnic post-territorial external selectivity has not included Albania so far. The 1998 citizenship law established an ethnic welcoming regime in a very mild form. Albanian citizenship law also contains an exceptional naturalisation clause, which just like in the Slovenian case includes the most ambiguous wording about 'national interest' being sufficient reason for naturalisation. In Slovenia this clause has for years served as a vehicle for fast-tracking applicants of Slovene ethnicity regardless of their place of residence or actual connection to Slovenia (Medved 2010: 15). In Albania, however, the clause has never been used for this sort of blanket naturalisation of co-ethnics (Krasniqi 2010b: 14). If Kosovo remains on the Schengen black list, and Albania remains on the white list, the increased interest of Kosovo ethnic Albanians would certainly put the Albanian citizenship regime to the test. Sali Berisha, serving again as Prime Minister, touted in February 2012 the idea of shifting to outright ethnic post-territorial selectivity (SETimes [online]b).

Another partial exemption to the regional post-2000 trend has been the Romanian swing between an ethnic post-territorial and ethnic welcoming regime in 2001, and back again in 2007. In 2001 Romanian citizens were granted visa-free travel within the Schengen zone. This led to a vast increase in the number of naturalisation applicants from Moldova, amounting to 300 applications a day according to official Romanian figures. This created an overload in the literal sense since it was impossible for the five-member commission to review all these cases. More importantly, the overload was political because several EU agencies and member states voiced strong concern that unwanted immigrants could find an easy way into the Schengen zone through Romania. Under these conditions the Romanian leftist government adopted an emergency ordinance to temporally suspend naturalisation procedures. Eventually, in late 2003, the government found an efficient way to reduce demand for citizenship by creating new administrative and legal obstacles to naturalisation of non-residents. This situation survived the change to a rightist government in 2004, and persisted until 2007 when Romania – already an EU member – returned to the ethnic post-territorial type. The regime has been further relaxed in the following years, not least in 2009 as a means of showing support for pro-EU (and pro-Romanian) protests in Moldova against the then ruling pro-independence left party in Moldova (Iordachi 2010: 14-18).

4. Conclusion: Toward a Comprehensive Explanation of a Narrow Field

The trajectory of the Romanian case in the last decade also illustrates that the causal factors emphasised in this paper – ethnic demography, variations in international opportunity structure, economic and logistical costs of implementing a particular regime, mass political mobilization, and left-right party competition - retained some importance throughout the observed period. However, their relative weight varies, and I have argued that it varies between (a) old nation-states prone to act as external national homelands, newly emerging nationalizing states, and ethnically divided states; and temporally between (b) the early and the later post-communist years (Figure 1).

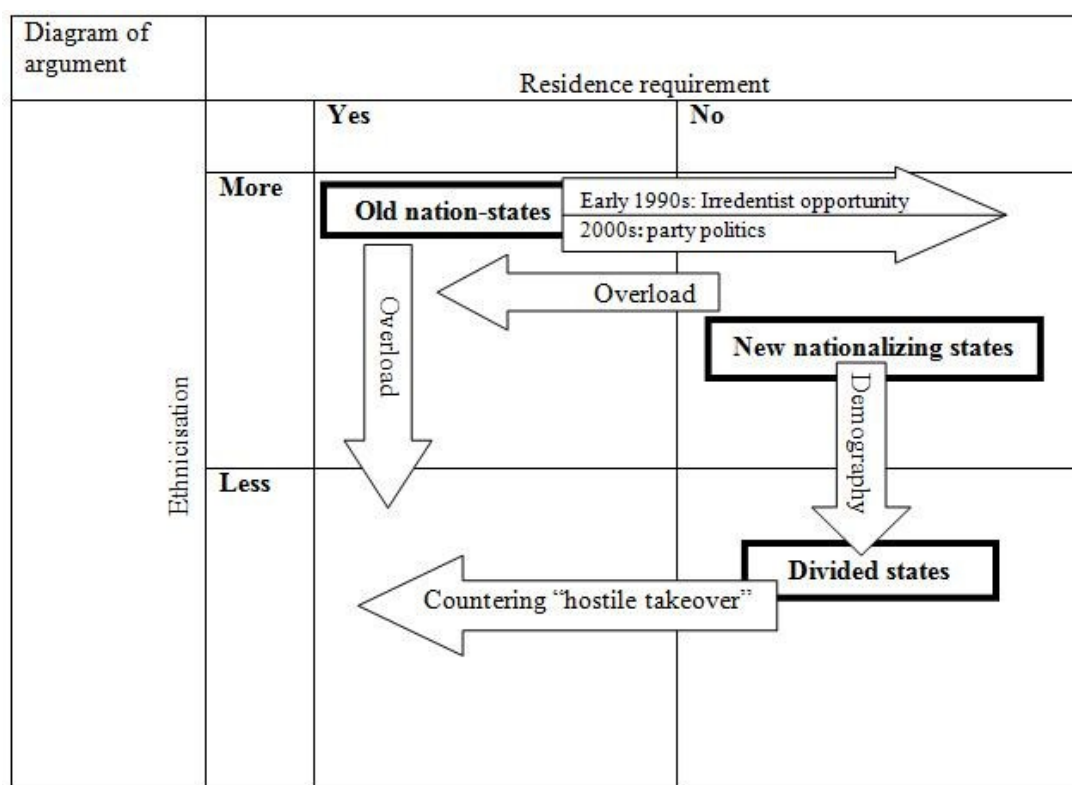


Figure 1: Default positions of states in different types of political contexts (blocks), and dominant causes of within-type variations (arrows)

Against the backdrop of highly politicised ethnic relations in the region, ethnic structure has been a consistently important factor in both periods, with ethnically divided states not being able to ethnicise their selectivity regimes due to strong opposition from non-core groups in the country. Especially in the unstable early years of post-communism, political (often right-wing) elites in these divided states, tried to ignore the importance of ethnic composition. These attempts quickly proved abortive in all cases apart from the borderline case of ethnic division which was Croatia in the early 1990s. Even here, the persistence of the selectivity regime was preceded by a substantial reduction in the number of ethnic Serbs residing in Croatia. One substitute for ethnicisation sometimes available to a divided state was to remove

residence criteria while defining the target group mostly on the basis of territorial origin. This was the route taken by Macedonia, Kosovo, and (more cautiously) by Moldova in 2003. However this alternative has been available only if divided states were not also prominent targets of other states' selectivity. If they were, the common countering move – seen in Bosnia, Montenegro and in Moldova before 2003 – has been for divided states to try to restrict instances of dual citizenship. In Bosnia additional international interventions created space for retention of dual citizenship for non-resident refugees and emigrants, albeit not through naturalisation, but through transfer of citizenship *ius sanguinis* abroad.

More ethnically homogenous states of the region have generally introduced ethnic post-territorial selectivity regimes. Newly emerging states with relatively high degrees of ethnic homogeneity (such as Slovenia and to some extent Croatia) did so in the early years of post-communism within the broader wave of nationalizing the public sphere. During these rare historical opportunities to break away from the existing political units, selectivity reforms were part of a move to establish the credentials of new states as national homelands for a particular ethnicity. For the old nation-states of the region (such as Hungary, Romania and Bulgaria), the demise of communism was in many ways a dramatic transformation, but the re-affirmation of the ethnic hierarchy was usually not as contentious. Unlike the newly emerging states, old nation-states were not pressed to justify their independent existence, while internal ethnic hierarchies were more or less known even during the communist period. Thus, old nation-states in the region have usually refrained from post-territorial forms of ethnic selectivity in the early years of post-communism, unless prompted by an irredentist opportunity. However, in the 2000s – with the notable exception of Albania – all nation-states followed suit when their right-wing parties engineered the removal of residence requirements for naturalisation of co-ethnics.

In the post-2000 period left-right party competition, and emulation of a broader sub-current of ethnicisation of citizenship, account more consistently for the moves toward ethnic post-territorial external selectivity in Hungary, Bulgaria and Serbia. Once introduced ethnic post-territorial regimes of selectivity have been relatively stable. Under conditions of overload caused by a rapid increase in the number of citizenship applications, left-wing governments have been motivated and able to reinsert the residence clauses for co-ethnics. In these conditions arguments about the economic and logistical costs of positive ethnic selectivity have been persuasive. These extraordinary circumstances reversed established or otherwise expected ethnic post-territorial regimes of selectivity in FR Yugoslavia in 1996, in Albania in 1998, and in Romania in 2001.

If my claims are correct, they have several theoretical implications. They confirm and extend the geographic scope of Shevel's (2009) finding that strong internal identity divisions paradoxically tend to produce non-ethnicised citizenship rules. I also build on this argument by showing how the interaction between several clustered selectivity regimes helps to explain variations between welcoming and post-territorial types of non-ethnicised selectivity regimes. Similarly, I show that

direct international administrative involvement tends to reinforce this logic of divided polities, but that it also might have some leverage in imposing non-ethnicised regimes, even when demographic divisions grow less pronounced. My arguments also confirm Štiks (2010) claim that most post-communist countries experienced early nationalizing trends in their citizenship regimes, but by distinguishing between ethnically divided states, and emerging and old nation-states I also show why nationalizing trends differently impacted the narrower sphere of external selectivity regimes. Finally, I argue that the post-2000 pattern of politics of selecting by origin in the region broadly follows the party-driven logic found in some states in Western Europe (Joppke 2003, 2010, Howard 2006), and the logic Waterbury (2010) identifies in Hungary. However, Waterbury's strong focus on temporal variations within this single case does not allow her to determine the conditions under which party-driven logic is constrained or overridden. As I argue, this is foremost the case with constraints of complex ethnic demography, and in the periods of 'thickened history' when extraordinary political opportunities arise.

While the validity of these claims need further testing, primarily through more detailed process tracing that can more rigorously confirm or reject alternative hypotheses, my goal in this paper has been to demonstrate their initial plausibility, and to demonstrate the promise they hold for reconciliation and advancement of several explanatory approaches present in the citizenship literature. Hopefully this paper will encourage further carefully geo-historically contextualised research into variations in external selectivity regimes, as well as in the other conceptually disaggregated segments of overall citizenship configurations.

Appendix

WELCOMING – POST-TERRITORIAL CONTINUUM

Cases are coded as mildly welcoming if:

1. Targeted group is required to reside in the territory of a state and to do so for more than half of the period required in standard naturalisation

or

2. Targeted group is required to effectively renounce other citizenships

Exceptionally, if all the groups are required to reside equal time, and to renounce other citizenships the case is coded as restrictive.

Cases are coded as very welcoming if:

1. Targeted group is required to reside in the territory of a state, but for half or less than half of the period required in standard naturalisation

and

2. Targeted group is not required to effectively renounce other citizenships.

Cases are coded as partially post-territorial if:

1. Residence requirement is waived for emigrants and first generation descendants

Cases are coded as fully post-territorial if:

1. Residence requirement is waived for emigrants and descendants of second generation and beyond

ETHNIC - EMIGRANT CONTINUUM

Cases are coded as fully ethnicised if:

1. Targeted group is required to prove hard cultural linkages to major ethnicity (hard linkages – proving what you “are”)
 - a. Belonging to the major national church
 - b. Belonging to ethnic diaspora organisations
 - c. Having the appropriate name
 - d. Have eligible ancestors who satisfy at least one of the above
 - e. Etc.

Cases are coded as extraterritorial culture-specific

1. Targeted group is only required to prove soft cultural linkages to major ethnicity (soft linkages – proving what you “can”).
 - a. Speak language
 - b. Sign loyalty pledge
 - c. Be accustomed with legal and political system
 - d. Etc.

And

2. Applicants are required to show that they have ancestors who were citizens at the time, and in the territories, in which state expects to find most co-ethnics among former citizens

Cases are coded as emigrant culture-specific if:

1. Targeted group is required to prove territorial linkage to the present day territory of a country

And

2. Targeted group is required to prove some soft cultural linkages

Cases are coded as pure emigrant if:

1. Target group is required to prove territorial linkage to the present day territory of a country

CODING RESULTS

See the next page.

Country (Year)	Regime Type	No residence reduction	Residence reduction <1/2	Dual citizenship in facilitated naturalisation	Residence reduction =>1/2	Subset of co-ethnics	Emigrants, +1	All co-ethnics	Emigrants, 2+	Hard cultural linkages	Soft linkages/ former territories	soft linkages/ current territory	Territorial linkages
Albania (1992)	Ethnic post-territorial			Y				x		x			
Albania (1998)	Ethnic welcoming		x	Y					x	x			
Bosnia (1997, 1999)	Emigrant welcoming			N, bilateral agreements	x				x				x
Bulgaria (1991, 1998)	Ethnic welcoming		x	Y				x		x			
Bulgaria (2001)	Ethnic post-territorial			Y				x		x			
Croatia (1991)	Ethnic post-territorial			Y				x		x			
Hungary (1993)	Ethnic welcoming			Y	x			x		x			
Hungary (2010)	Ethnic post-territorial			Y				x			x		
Kosovo (2008)	Emigrant post-territorial			Y			x					x	x
Macedonia (1992)	Emigrant post-territorial			Y			x					x	x
Moldova (1991)	Restrictive	x		N, bilateral agreements									
Moldova (2003)	Emigrant welcoming			Y			x						x
Montenegro (1999, 2007)	Emigrant welcoming			N, bilateral agreements	x				x				x
Romania (1991)	Ethnic post-territorial			Y		x					x		
Romania (2001/3)	Ethnic welcoming			Y	x	x					x		
Romania (2007)	Ethnic post-territorial			Y		x					x		
Serbia (2004)	Ethnic post-territorial			Y				x		x			
Slovenia (1991)	Ethnic post-territorial			Y				x		x			
FR Yugoslavia (1996)	Emigrant welcoming			Y, but only for repatriation of emigrants	x				x				x

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